

Other Events

1:06-cv-00421-JJF Davis v. Kearney et al

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U.S. District Court

District of Delaware

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Case Number: 1:06-cv-421

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

22

CHRISTOPHER JOSEPH DAVIS,

Petitioner,

v.

RICHARD KEARNEY, Warden,
and CARL C. DANBERG,
Attorney General for the
State of
Delaware,

Respondents.

Civil Action No. 06-421-JJF



O R D E R

At Wilmington this 13 day of December, 2006;

IT IS ORDERED that:

Petitioner Christopher Joseph Davis' Motion for Access to Legal Documentation and Caselaw is DENIED. (D.I. 19.) Prisoners retain the right of meaningful access to the courts, which "requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." Bounds v. Smith, 430 U.S. 817, 828 (1977). However, at least one judge in this district has held that "prison officials of necessity must regulate the time, manner, and place in which library facilities are used," as long as an inmate's access is not so "attenuated as to become meaningless."

Hoover v. Watson, 886 F.Supp. 410, 419-20 (D. Del. 1994).

Additionally, the Third Circuit has held that segregated prisoners who do not have access to an institution's main law library must have some means by which documents and materials can be identified and furnished to them in a timely manner. Abdul-Akbar v. Watson, 4 F.3d 195, 203 (3d Cir. 1993).

Here, Petitioner states that he is currently housed at the Sussex County Work Release Center, which does not have a law library on its premises, and he asks the Court to order the officials at the Sussex County Work Release Center to afford him weekly access to a law library and daily access to Lexis/Nexis from a computer located at the Delaware Technical and Community College. Although Petitioner complains that his access to legal materials is limited, he does not allege that he has been denied complete access to a law library or that his limited access is meaningless. Therefore, the Court concludes that Petitioner's motion does not warrant action at this time.


UNITED STATES DISTRICT JUDGE